

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

TIMOTHY RAY SADLER,

Plaintiff,

vs.

SHERIFF DUTTON, et al.,

Defendants.

CV 16-00083-H-DLC-JTJ
(CV 17-00026-M-DLC-JCL)
(CV 17-00042-H-DLC-JTJ)

FINDINGS AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE
JUDGE

On June 1, 2017, this Court issued an Order consolidating the three cases listed above and finding that the complaints, as currently plead, failed to state a claim upon which relief may be granted and were subject to dismissal. As it might have been possible to cure the defects with Mr. Sadler's claims, he was given until June 30, 2017 to file one all encompassing amended complaint to clarify his factual allegations, to provide more specific allegations regarding his claims, and to provide specific factual allegations against each named defendant. He failed to do so.

Accordingly, for the reasons set forth in the Court's June 1, 2017 Order (Doc. 16), the Court issues the following:

RECOMMENDATIONS

1. Civil Action Nos. CV 16-00083-H-DLC-JTJ, CV 17-00026-M-DLC-

JCL, and CV 17-00042-H-DLC-JTJ should be DISMISSED WITH PREJUDICE for failure to state a claim.

2. The Clerk of Court should be directed to close this matter and enter judgment in favor of Defendants under Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court should be directed to have the docket reflect that the Court certifies under Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

4. The Clerk of Court should be directed to have the docket in Civil Action No. 16-00083-H-DLC-JTJ reflect that this dismissal counts as a strike under 28 U.S.C. § 1915(g) because Mr. Sadler failed to state a claim upon which relief may be granted.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Mr. Sadler may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.¹ 28 U.S.C. § 636. Failure to

¹As this deadline allows a party to act after the Findings and Recommendations is “served,” it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after

timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed until entry of the District Court's final judgment.

DATED this 28th day of July 2017.

/s/ John Johnston
John Johnston
United States Magistrate Judge

the period would otherwise expire.